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GENERAL VOLNEY ERSKINE HOWARD¹

Z. T. FULMORE

The subject of this sketch was born in Oxford county, Maine, October 22, 1809.

He had the usual experiences of a bright, ambitious New England boy. In the intervals of labor on the farm, he attended school near his home and finally entered Bloomfield Academy, and afterwards Waterfield College. His excellent record while at college so won the admiration of an uncle who was practicing law in Mississippi that he was invited to study law and go into partnership with him. In 1832, young Howard left home and went to Mississippi, but upon his arrival there learned that his uncle had just died. He at once began the study of law, was soon admitted to the bar, and began practice at Brandon. He rapidly rose to distinction. In 1836, he was elected a member of the legislature, and, in the same year, was selected to carry the electoral vote of the state to Washington. While in that city, he was married to Catherine Elizabeth Gooch, a native of Massachusetts, and a young lady of rare literary accomplishments. Upon his return to Mississippi, he was appointed reporter of the supreme court, and the eleven volumes of Howard's Mississippi reports attest his industry and capacity. It was during this time that he purchased the *Mississippian* and made it the leading Democratic newspaper of the Southwest. In 1840, he was nominated as the candidate of the Democratic party for a seat in the United States congress and, although he ran 1000 votes ahead of his ticket, he was defeated by his Whig opponent, Governor Tucker.

During his legislative career, the Union Bank monopolized the politics of Mississippi. He voted against the bill by which the state guaranteed the bank's issue, and while he pledged himself to abide by the action of the legislature, he predicted the insolvency of the bank and the repudiation of the state's obligation by the friends of the bill, in the event of its passage, a predic-

¹For most of the data in this article I am indebted to Volney E. Howard of Los Angeles, California.

tion that in a few years came to pass. He was severely criticized by the press, and he as severely retorted through his paper and on the stump. In the midst of public discussion upon the subject, he was chosen by the Democratic party of Mississippi to answer the challenge of Sargeant S. Prentiss to a joint discussion at Jackson. This meeting has ever since been regarded as a famous event in the political history of Mississippi. The partisans of the respective sides both claimed that their champion won the victory, but all admitted that Howard carried his end of the discussion with matchless skill and ability. It was during this stormy period that Hiram G. Runnels, the president and manager of the bank, challenged Howard to fight a duel. The challenge was promptly accepted and the duel was fought at Columbus. Howard was shot, the ball striking a rib and coursing through the breast. As he had predicted, the bank became insolvent and the question of repudiation came before the legislature. This was strenuously opposed by Howard in the most scathing and denunciatory language, but the measure carried, greatly to his disgust. Immediately afterward, he shook the dust of Mississippi politics from his feet and moved to New Orleans, where he again resumed the practice of law.

Mr. Polk having been elected President in 1844, Howard saw the immediate prospect of Texas becoming a state of the Union, and late in December moved with his family to San Antonio, Texas. Within a few months after his arrival he was elected a delegate to the first state constitutional convention and was active and prominent in framing the constitution of 1845. Immediately after organizing the state government, Governor Henderson, on the 27th of February, 1846, appointed Howard attorney general of the state, but he had just previously been elected to the state senate, and declined the appointment.

In 1849, he was elected to represent the western district of Texas in the United States congress to succeed Timothy Pillsbury, also a native of Maine; he was re-elected in 1851 and served out his full term. His addresses before the House in the discussion of the Compromise Measure of 1850 are models of logic, pure diction, and oratory. He omitted no phase of the Texas question, even delving into all the available sources of information on the Texas boundary.

At the expiration of his second term in congress, Howard was appointed by President Pierce United States attorney to the land commission in California, and he went there in that capacity but, after serving a few months, resigned and began the practice of law in San Francisco. There he continued until 1856, when the celebrated vigilance committee was organized. It declared martial law in San Francisco and virtually governed the state at the point of the bayonet. Howard was an uncompromising advocate of the supremacy of the law, and strenuously opposed the policy of the Vigilantes. The governor issued a proclamation ordering them to disband, but they defied his order. He then called out the militia and appointed Howard to command, but the strength of the Vigilantes was too great to be overcome by the militia. The enmity to General Howard in San Francisco resulting from his course prompted him to move to Sacramento in 1858. In 1861, he located in Los Angeles, where he assiduously devoted himself to the practice of law for about ten years. He accepted the office of district attorney several terms; was a member of the convention which framed the present constitution of California; was elected judge of the superior court in 1880; and during his incumbency in that office was nominated to a place on the supreme bench, but declined. His term expired in 1884, when, owing to advancing years and declining strength, he retired, and died in 1885.

In noticing his death, a leading daily newspaper of Los Angeles, said:

With the death of Volney E. Howard passed one of the most distinguished citizens of California and of the Republic. It would be difficult to name an eminent American who has figured at the bar and in the forum during the last fifty years of whom General Howard was not the peer in all the qualities that go to make up a personality of intellectual distinction. As a jurist and constitutional lawyer, he was perhaps without an equal in this state. His oratorical powers were graced by a diction of surpassing purity and style of captivating charm. He was always interesting and at times rose to a height of eloquence which is only reached by the greatest orators. His celebrated speech in the constitutional convention, on the relation of the corporations to the people, was pronounced, by even the very eminent men upon the floor who took issue with him as the most masterly speech of the whole convention. His logic was clear and strik-

ing; his sarcasm keen as the edge of Saladin's scimitar; his power of statement luminous and graphic. In terms of epigrammatic sentence he was fertile and even profuse. In impassioned arraignment, especially when his sense of wrong or injustice was aroused, he was withering and overwhelming. He was most dangerous when his expressive lip was curled with a smile and a peculiar sparkle, as if of humor, lurked in his piercing eyes. When in this vein and the occasion called it forth, he was a terror to those who fell athwart the lacerating excoriation of his invective. This country has produced but few men with a more comprehensive or absorbing mind, and none stored with a wider or more judiciously selected range of literature. His memory was one of great strength and tenacity. Whatever he read was stored away, and subject to call when required. No subject, however recondite or complex, had escaped the tireless industry of his research, and he was always ready to invest it with an interest and originality of treatment that stamped him as one whose investigations were accompanied with the penetrating power of the deep thinker.

He was a statesman in the highest sense. A graduate of the Jacksonian schools, he was firm and immovable in his political principles. His party might, in the hands of trimmers and time-servers, veer to the right or left, but he was as true as the needle to the pole.

His courageous nature was incapable of fear and when he knew and felt he was right, his firmness became so fixed in its purpose that no amount of danger could turn him from his course. Had he been more politic, more suave and bending in his character, more flexible to his own personal interests, he might have left his children greater riches as the world goes, but he could not have left them a more lofty and honorable heritage than that which descends to them from his pure and unsullied name and his great and lasting fame.

Such was the man who gave Texas eight years of his most vigorous manhood. The Legislature of Texas, in 1876, gratefully remembered his services and erected a monument to him by naming Howard county in his honor.